

1 ZIEVE, BRODNAX & STEELE, LLP

2 Shadd A. Wade, Esq.

3 Nevada Bar 11310

4 3753 Howard Hughes Parkway, Suite 200

5 Las Vegas, Nevada 89169

6 Tel: (702) 948-8565

7 Fax: (702) 446-9898

8 [swade@zbslaw.com](mailto:swade@zbslaw.com)

9 *Attorneys for Plaintiff The Bank of New York Mellon fka The Bank of New York, as Trustee for*  
10 *the CertificateHolders of CWALT, Inc. Alternative Loan Trust 2006-OA7, Mortgage Pass-*  
11 *Through Certificates, Series 2006-OA7*

12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF NEVADA**

14 THE BANK OF NEW YORK MELLON  
15 FKA THE BANK OF NEW YORK, AS  
16 TRUSTEE FOR THE  
17 CERTIFICATEHOLDERS OF CWALT,  
18 INC. ALTERNATIVE LOAN TRUST 2006-  
19 OA7, MORTGAGE PASS-THROUGH  
20 CERTIFICATES, SERIES 2006-OA7, a  
national bank,

Plaintiff,

vs.

MERIDIAN PRIVATE RESIDENCES  
HOMEOWNERS ASSOCIATION, a Nevada  
corporation; INVEST VEGAS, LLC, a  
Nevada limited liability company,

Defendants.

**CASE NO.: 2:17-CV-02097-RFB-PAL**

**STIPULATION AND ORDER TO  
DISMISS DEFENDANT MERIDIAN  
PRIVATE RESIDENCES  
HOMEOWNERS ASSOCIATION**

21 Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff THE BANK OF NEW  
22 YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE  
23 CERTIFICATEHOLDERS OF CWALT, INC. ALTERNATIVE LOAN TRUST 2006-OA7,  
24 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-OA7 (hereinafter "BNYM")  
25 and Defendant MERIDIAN PRIVATE RESIDENCES HOMEOWNERS ASSOCIATION  
26 (hereinafter "MERIDIAN"), (collectively, the "Parties"), by and through their respective  
27 counsel of record, hereby stipulate as follows:  
28

1        1. On August 2 2017, Plaintiff BNYM filed its Complaint in this action naming  
2 MERIDIAN and other parties as defendants related to a homeowners association foreclosure  
3 sale of real property located at 230 East Flamingo Road Unit 205, Las Vegas, Nevada 89169;  
4 (hereinafter "Property").

5        2. The Parties hereby agree that BNYM's claims against MERIDIAN shall be dismissed  
6 with prejudice, and BNYM and MERIDIAN shall each bear its own costs and fees related to  
7 this litigation.

8        3. The Parties further agree that MERIDIAN does not take a position regarding whether  
9 the November 12, 2013 association lien foreclosure sale referenced in the Complaint, affected  
10 BNYM's Deed of Trust recorded against title to the Property.

11       4. MERIDIAN asserts that it does not have a present ownership interest in title to the  
12 Property.

13       5. MERIDIAN retains its lien for assessments pursuant to NRS 116.

14       6. This dismissal does not affect any rights, claims or defenses of BNYM or MERIDIAN  
15 with respect to any other party related to the foreclosure sale of the Property.

16       7. MERIDIAN's Motion to Dismiss [ECF No. 9] pending before the Court is hereby  
17 withdrawn as moot.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1                   **IT IS SO STIPULATED.**

2           Dated March 19, 2018

                  Dated March 19, 2018

3           **ZIEVE BRODNAX & STEELE, LLP**

**LIPSON, NEILSON, COLE, SELTZER &  
4                   GARIN, P.C.**

5           /s/ Shadd A. Wade

/s/Peter Dunkley, Esq.

6           Shadd A. Wade, Esq.

                  KALEB D. ANDERSON, ESQ.

7           Nevada Bar Number 11310

                  Nevada Bar No. 7582

8           swade@zbslaw.com

                  PETER E. DUNKLEY, ESQ.

9           *Attorneys for Plaintiff The Bank of New  
10           York Mellon FKA The Bank of New York,  
11           As Trustee for the Certificateholders of  
12           the CWABS Inc., Asset-Back Certificates,  
13           Series 2006-21*

                  Nevada Bar No. 11110  
                  9900 Covington Cross Drive, Suite 120  
                  Las Vegas, Nevada 89144  
                  *Attorneys for Defendant Meridian Private  
14           Residences Homeowners Association*

15                                   **ORDER**

16           Based on the foregoing stipulation, and good cause appearing,

17           **IT IS ORDERED** that Defendant MERIDIAN PRIVATE RESIDENCES  
18           HOMEOWNERS ASSOCIATION is hereby dismissed from this case with prejudice.

19           **IT IS FURTHER ORDERED** that Defendant MERIDIAN PRIVATE RESIDENCES  
20           HOMEOWNERS ASSOCIATION has no present ownership interest in title to the Property.

21           **IT IS FURTHER ORDERED** that MERIDIAN retains its lien for assessments  
22           pursuant to NRS 116.

23           **IT IS FURTHER ORDERED** that each party shall bear its own attorneys' fees and  
24           costs.

25           **IT IS FURTHER ORDERED** that this dismissal does not affect any rights, claims or  
26           defenses of BNYM or MERIDIAN with respect to any other party related to the foreclosure sale  
27           of the Property.

28                                   **IT IS SO ORDERED.**

                  DATED this 21st day of March, 2018.



                  \_\_\_\_\_  
                  RICHARD F. BOULWARE, II  
                  United States District Court

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Peter E. Dunkley, Esq.  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
*Attorney for Defendant Meridian Private Residences Homeowners' Association*

4